

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Brice Yingling, et al.,

NO. C 09-01733 JW

Plaintiffs,

**ORDER DENYING STIPULATION
FOR STAY IN LITIGATION
WITHOUT PREJUDICE**

v.

eBay, Inc.,

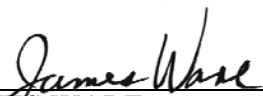
Defendant.

Presently before the Court is a Stipulation and Proposed Order for a Stay in the Litigation. (Docket Item No. 193.) The parties offer two reasons for a stay: (1) Defendant has filed a petition under Federal Rule of Civil Procedure 23(f) requesting that the Ninth Circuit Court of Appeals accept an interlocutory appeal; and (2) the parties have agreed to participate in a mediation.

Upon review, the Court finds that good cause does not exist to grant the stay. The Ninth Circuit has not yet granted Defendant the right to appeal. Moreover, the parties fail to identify sufficient information regarding the parties' plan to mediate. Although the Court is encouraged that the parties are planning to mediate, the parties need to provide the Court with sufficient information regarding the mediation (for example, when the mediation is scheduled, and who the mediator is) to evaluate such a request.

Accordingly, the Court DENIES the parties' Stipulation for a Stay in the Litigation without prejudice to renew based on the anticipated mediation. Any renewed stipulation shall clearly set forth the parties' agreed upon schedule for mediation.

Dated: August 20, 2010


JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: August 20, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers

**Elizabeth Garcia
Courtroom Deputy**